IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 15702 of 2007(T)

PETITIONER:

PUSHPALATHA A.M., AGED 35 YEARS,
U.P.S.A., IQBAL HIGHER SECONDARY SCHOOL,
AJANUR, KASARAGOD DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:

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1. THE DEPUTY DIRECTOR OF EDUCATION,
KASARAGOD.

2. THE PRINCIPAL,
IQBAL HIGHER SECONDARY SCHOOL, AJANUR,
P.O.KOLAVAYAL, KASARAGOD DISTRICT.

3. STATE OF KERALA - REPRESENTED BY
SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 15702 OF 2007

Dated this the 24th day of May, 2007

J U D G M E N T

Petitioner had availed of leave without allowance to pursue her study for B.Ed. Course. Leave was sanctioned and thereafter on completion of her studies she had rejoined duty and she was given her service benefits reckoning the period of leave without allowance as eligible leave for all such benefits. However, an objection has been raised by the Audit Department stating that petitioner would not be entitled to get the service benefits for the period availed of by her as leave without allowance to pursue her studies. Learned counsel submits that the issue is squarely covered in favour of the petitioner in view of the judgment of this Court in W.P.(C). No.26782/05 as well as in ***Deepika v. State of Kerala*** [2007 (1) KLT 71]. The grievance of the petitioner is that the impugned order has been issued without adverting to the dictum laid down by this Court in the above two judgments.

In the above facts and circumstances, Exts. P4 & P7 are quashed to the extent they relate to the petitioner. The 1st

respondent shall reconsider matter in the light of the two judgments referred to above. This shall be done as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment after affording sufficient opportunity to the petitioner to be heard. Till such time a final decision is taken, Exts. P4 & P7 shall be kept in abeyance. Petitioner shall produce a certified copy of this judgment along with a copy of the writ petition before the 1st respondent for compliance.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007